

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Leilani Rhodes	Team: Squad #9	CCRB Case #: 201901119	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 01/30/2019 8:30 PM	Location of Incident: § 87(2)(b)	Precinct: 114	18 Mo. SOL 7/30/2020	EO SOL 3/16/2021	
Date/Time CV Reported Wed, 01/30/2019 8:58 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Wed, 02/06/2019 11:07 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Miguel Figueroa	00000	939822	114 PCT
2. POF Lauren Anthony	07282	957334	114 PCT
3. POM Michael Berndt	00513	961642	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Lauren Anthony	Abuse: Police Officer Lauren Anthony refused to provide her name to § 87(2)(b)	§ 87(2)(b)
B.POF Lauren Anthony	Abuse: Police Officer Lauren Anthony refused to provide her shield number to § 87(2)(b)	§ 87(2)(b)
C.POF Lauren Anthony	Abuse: Police Officer Lauren Anthony failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
D.POM Michael Berndt	Abuse: Police Officer Michael Berndt refused to provide his name to § 87(2)(b)	§ 87(2)(b)
E.POM Michael Berndt	Abuse: Police Officer Michael Berndt refused to provide his shield number to § 87(2)(b)	§ 87(2)(b)
F.POM Michael Berndt	Abuse: Police Officer Michael Berndt failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)
G.LT Miguel Figueroa	Abuse: Lieutenant Miguel Figueroa refused to provide his name to § 87(2)(b)	§ 87(2)(b)
H.LT Miguel Figueroa	Abuse: Lieutenant Miguel Figueroa failed to provide § 87(2)(b) with a business card.	§ 87(2)(b)

Case Summary

§ 87(2)(b) filed this complaint with IAB on January 30, 2019, generating Original Log # 2019-4033. The CCRB received this case on February 6, 2019.

On January 30, 2019, at approximately 8:30 p.m., § 87(2)(b) called 911 in regard to someone damaging his wheelchair. PO Lauren Anthony and PO Michael Berndt from the 114th Precinct responded to § 87(2)(b) in Queens, and allegedly did not provide their names, shield numbers, and business cards to § 87(2)(b) upon request. **(Allegation A, B, C, D, E & F: Abuse of Authority, § 87(2)(g))** § 87(2)(b) called IAB and requested a supervisor to the scene. Lieutenant Miguel Figueroa from the 114th Precinct responded to the location and allegedly did not provide his name and business card to § 87(2)(b) upon request. **(Allegations G & H: Abuse of Authority, § 87(2)(g))** No arrests or summonses resulted from this incident. No video footage was obtained for this incident.

Findings and Recommendations

Allegation (A) Abuse of Authority: Police Officer Lauren Anthony refused to provide her name to § 87(2)(b)

Allegation (B) Abuse of Authority: Police Officer Lauren Anthony refused to provide her shield number to § 87(2)(b)

Allegation (C) Abuse of Authority: Police Officer Lauren Anthony failed to provide § 87(2)(b) with a business card.

Allegation (D) Abuse of Authority: Police Officer Michael Berndt refused to provide his name to § 87(2)(b)

Allegation (E) Abuse of Authority: Police Officer Michael Berndt refused to provide his shield number to § 87(2)(b)

Allegation (F) Abuse of Authority: Police Officer Michael Berndt failed to provide § 87(2)(b) with a business card.

It is undisputed that PO Lauren Anthony and PO Michael Berndt responded to § 87(2)(b) in Queens on the incident date.

§ 87(2)(b) stated that he called 911 in order for a report to be taken for damage to his wheelchair. He could not remember what he asked specifically, but stated that he asked PO Berndt and PO Anthony for their names, shield numbers and business cards. Both officers did not provide him with the information that he requested and left the location (Board Review 01).

PO Anthony and PO Berndt each testified that they did not identify themselves to § 87(2)(b) at any point during the incident. They both also stated that § 87(2)(b) never asked for their names, shield numbers or business cards (Board Review 02 and 04).

When § 87(2)(b) filed this complaint with IAB on January 30, 2019, he stated that he did not have time to request identifying information from PO Anthony and PO Berndt because they “just walked away” (Board Review 08). However, in his CCRB testimony, § 87(2)(b) stated that he requested PO Anthony and PO Berndt’s names, shield numbers, and business cards. In an unsworn statement to the CCRB over the phone, § 87(2)(b) confirmed that he did not remember if he ever requested this information from the officers. § 87(2)(g)

§ 87(2)(g)
[REDACTED]

§ 87(2)(g) [REDACTED]

Allegation (G) Abuse of Authority: Lieutenant Miguel Figueroa refused to provide his name to § 87(2)(b) [REDACTED]

Allegation (H) Abuse of Authority: Lieutenant Miguel Figueroa failed to provide § 87(2)(b) [REDACTED] with a business card.

It is undisputed that Lieutenant Miguel Figueroa responded to § 87(2)(b) [REDACTED] in Queens on the incident date.

§ 87(2)(b) [REDACTED] stated that he requested Lieutenant Figueroa's name and business card, and he did not provide him with the information (Board Review 01). He was consistent in all of his statements.

Lieutenant Figueroa stated that he identified himself to § 87(2)(b) [REDACTED] by name and command when he first arrived at the incident location, and that § 87(2)(b) [REDACTED] never asked him for his name or for a business card (Board Review 03).

§ 87(2)(g) [REDACTED]

§ 87(2)(g) [REDACTED].

Civilian and Subject Officer CCRB Histories

- § 87(2)(b) [REDACTED] has been party to seven CCRB complaints, and has been named a victim in 17 allegations (Board Review 05):

- § 87(2)(b) [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

- § 87(2)(b) [REDACTED].
- PO Anthony has been a member-of-service for four years and this is the first CCRB complaint to which he has been a subject.
- PO Berndt has been a member-of-service for two years and has been a subject in two CCRB complaints and five allegations, none of which were substantiated.
- Lieutenant Figueroa has been a member-of-service for 13 years and has been a subject in 17 CCRB complaints and 15 allegations, of which one was substantiated:
 - 201202321 involved substantiated allegations of a stop against Lieutenant Figueroa. The Board recommended charges and the NYPD imposed instructions.

Mediation, Civil, and Criminal Histories

- This complaint was returned from mediation.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)] [REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
- As of May 20, 2019, no Notice of Claims have been filed for this incident (Board Review 07).

Squad No.: _____

Investigator: _____

Signature	Print Title & Name	Date
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Squad Leader: _____

Signature	Print Title & Name	Date
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Reviewer: _____

Signature	Print Title & Name	Date
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